

## 2017 General Session Legislation That Appears to Require Administrative Rulemaking

(OLRGC - - 4/5/17)

### **H.B. 40**, Check Cashing and Deferred Deposit Lending Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

219 (c) A person registered under this section shall keep a record of the information

220 described in Subsection (8)(b) for the time period required by the department by rule made in

221 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

### **H.B. 42**, Insurance Related Modifications

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

612 (5) (a) The books and records maintained under Subsection (2) shall be available for

613 the inspection of the commissioner during the business hours for a period of time after the date

614 of the transaction as specified by the commissioner by rule, made in accordance with Title

615 63G, Chapter 3, Utah Administrative Rulemaking Act, but in no case for less than three

616 calendar years in addition to the current calendar year. . . .

1633 **[(13) The commissioner shall adopt rules interpreting and implementing  
this section**

1634 **with regard to out-of-area court ordered dependent coverage.] . . .**

2305 **(2) An insurer shall notify a producer that the producer's appointment is  
terminated by**

2306 **the insurer and of the reason for termination at an interval and in the  
form the commissioner**

2307 **establishes by rule** made in accordance with Title 63G, Chapter 3, Utah  
Administrative

2308 Rulemaking Act. . . .

2384 **(3) An agency shall notify an individual designee that the individual's  
designation is**

2385 **terminated by the agency and of the reason for termination at an interval  
and in the form the**

2386 **commissioner establishes by rule** made in accordance with Title 63G,  
Chapter 3, Utah

2387 Administrative Rulemaking Act. . . .

2733 **(4) A navigator agency shall notify an individual designee that the  
individual's**

2734 **designation is terminated by the agency and of the reason for  
termination at an interval and in**

2735        the form the commissioner establishes by rule made in accordance  
with Title 63G, Chapter 3,

2736    Utah Administrative Rulemaking Act. . . .

2974    (3) An organization licensed under this chapter **shall notify an individual**  
**licensee** that

2975    the individual's designation has been terminated by the organization and  
of the reason for the

2976        termination at an interval and in the form the commissioner  
**establishes by rule** made in

2977    accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
Act.

#### ***H.B. 51***, Off-highway Vehicle Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

147    Section 4. Section 41-22-31 is amended to read:

148    41-22-31. Board to set standards for safety program -- Safety certificates  
issued --

149    Cooperation with public and private entities -- State immunity from suit.

150    (1) [The] (a) In accordance with Title 63G, Chapter 3, Utah Administrative

151    Rulemaking Act, the board shall make rules that establish curriculum  
standards for a

152    comprehensive off-highway vehicle safety education and training program  
and shall implement

153    this program.

**H.B. 61**, Pharmacy Service for Discharged Hospital Patients

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

30    (1) The **division shall make rules**, in accordance with Title 63G, Chapter 3,  
31    Utah

31    Administrative Rulemaking Act, in consultation with hospital pharmacies, to  
32    **establish**

32    **guidelines** under which a hospital pharmacy may dispense a limited supply  
33    of a prescription

33    drug to an individual who is no longer a patient in the hospital setting if:

34    (a) the individual is discharged from the hospital on the same day that the  
35    hospital

35    pharmacy dispenses the prescription drug to the individual;

36    (b) the prescription drug relates to the reason for which the individual was  
37    a patient at

37    the hospital before being discharged;

38    (c) the class A pharmacy with which the patient has an established  
39    pharmacy-patient

39    relationship is not open at the time of the patient's discharge;

40    (d) the hospital pharmacy dispenses a quantity of the prescription drug  
41    that is the lesser

41    of:

42    (i) a 72-hour supply; or

43    (ii) an adequate amount to treat the discharged patient through the first  
44    day on which

44 the pharmacy described in Subsection (1)(c) is open after the patient's  
45 discharge from the  
46 hospital; and  
47 (e) dispensing the prescription drug complies with protocols established by  
the hospital  
pharmacy.

***H.B. 100***, Institutions of Higher Education Disclosure Requirements

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

101 (6) The **board shall**, in accordance with Title 63G, Chapter 3, Utah  
Administrative

102 Rulemaking Act, **make rules for the implementation and administration of**  
this section.

***H.B. 114***, Local School Entity Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

381 (2) The **State Board of Education shall enact rules** in accordance with Title  
382 63G,

383 Chapter 3, Utah Administrative Rulemaking Act, [which] that require a  
certain percentage of a

school district's or charter school's professional staff to be certified in the  
area in which [they

384 teach] the staff teaches in order for the school district or charter school to  
receive full funding

385 under the schedule. . . .

442 (4) A one or two-year secondary school that has received necessarily  
existent small

443 school money under this section prior to July 1, 2000, may continue to  
receive such money in

444 subsequent years **[under board rule]**.

#### ***H.B. 125***, Student Residency Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

39 (iii) while living with a responsible adult resident of the district, if a  
determination has

40 been made in accordance with rules [of the district board of education]  
made by the State

41 **Board of Education** in accordance with Title 63G, Chapter 3, Utah  
Administrative Rulemaking

42 Act, that: . . .

50 (iv) while the child is receiving services from a health care facility or human  
services

51 program, if a determination has been made in accordance with rules made  
by the State Board of

52     **Education** in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that: . . .

***H.B. 142***, Administration of Anesthesia Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

56     (2) The **department shall adopt administrative rules** under Title 63G, Chapter 3, Utah

57     Administrative Rulemaking Act, regarding:

58     (a) the format of the reports; and

59     (b) what constitutes a reportable adverse event, which shall include at least the

60     administration of intravenous sedation or anesthesia when there is:

61     (i) an escalation of care required for the patient; or

62     (ii) a rescue of a patient from a deeper level of sedation than was intended.

***H.B. 146***, Partial Filling of a Schedule II Controlled Substance Prescription

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

42     (5) For purposes of Subsection (3), the **division shall makes rules** in accordance with

43     Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

44     (a) specifying how to record the date, quantity supplied, and quantity remaining of a

- 45 prescription partially filled under Subsection (3); and  
46 (b) otherwise necessary for the implementation of Subsections (2) and (3).

***H.B. 168***, Kindergarten Supplemental Enrichment Program

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

116 (6) In accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, the

117 **board shall make rules** to establish reporting procedures and administer  
this section.

***H.B. 196***, Division of Real Estate Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

601 (4) (a) The division may not license an individual under this chapter unless  
that

602 individual first passes the [one or more licensing examinations] qualified  
written national test

603 developed by the nationwide database that includes the uniform state test  
content that:

604 **[(i) are adopted by the division in accordance with Title 63G, Chapter 3,**  
Utah

605 **Administrative Rulemaking Act;]**

606 **[(ii) meet] (i) meets the minimum federal licensing requirements; and**



607 [(iii) are] (ii) is administered by an approved examination provider.  
608 (b) The commission, with the concurrence of the division, shall determine  
the  
609 requirements for:  
610 [(i) a licensing examination that at least:] . . .  
612 [(B) tests knowledge of the:] . . .  
616 [(IV) **rules adopted under this chapter;**] . . .

1424 (1) If a principal broker terminates an associate broker or sales agent, **the  
principal**

1425 **broker shall** [by no later than three days from the day on which the  
principal broker terminates

1426 the associate broker or sales agent:] **notify the division and the associate  
broker or sales agent**

1427 **of the termination in a manner prescribed by rule** made in accordance  
with Title 63G, Chapter

1428 **3, Utah Administrative Rulemaking Act, by the commission with the  
concurrence of the**

1429 **division.**

**H.B. 200**, Sexual Assault Kit Processing Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

96     (3) (a) The testing of all sexual assault kits **shall be completed within a specified**

97     **amount of time, as determined by administrative rule** consistent with the provisions of this part. . . .

232    76-5-609. Rulemaking authority.

233    After consultation with the Utah Bureau of Forensic Services and in accordance with

234    Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the **department shall make rules,**

235    consistent with this part, regarding:

236    (1) the procedures for the submission and testing of all sexual assault kits collected by

237    law enforcement and prosecutorial agencies in the state;

238    (2) the information and evidence that is required to be submitted as part of each sexual

239    assault kit submission; and

240    (3) goals for the completion of analysis and classification of all sexual assault kit

241    submissions.

***H.B. 212***, Incentive for Effective Teachers in High Poverty Schools

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

428    (b) The **board shall**, in accordance with Title 63G, Chapter 3, Utah  
429    Administrative

429    Rulemaking Act, **make rules** for:

430    (i) the administration of the program;

431    (ii) payment of a salary bonus; and

432    (iii) application requirements. . . .

456    (6) The **board shall**:

457    (a) distribute money from the program to school districts and charter  
458    schools in

458    **accordance with** this section and **board rule**; and

***H.B. 219***, Rural Tax Credit Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

254    (14) In accordance with Title 63G, Chapter 3, Utah Administrative  
255    Rulemaking Act,

255    the **office shall make rules** describing:

256    (a) the form and content of an application for a nonprofit corporation to  
257    make a project

257    an approved project;

258 (b) the documentation requirements for a claimant to receive a nonprofit contribution

259 tax credit certificate under this section; and

260 (c) administration of the program, including rules that ensure the aggregate value of

261 nonprofit contribution tax credit certificates issued by the office under this section does not

262 exceed \$75,000 in any calendar year.

### ***H.B. 231***, Educator Evaluation Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

253 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

254 **State Board of Education shall make rules:**

255 (a) [establishing] describing a framework for the evaluation of educators that is

256 consistent with the requirements of Part 3, Employee Evaluations, and this part; and

257 (b) requiring [a teacher's] an educator's summative evaluation to be based on [standards

258 of instructional quality; and];

259 (i) educator professional standards established by the State Board of Education; and

260 (ii) the requirements described in Subsection 53A-8a-405(1).

261 [(c) requiring each school district to fully implement an evaluation system  
for  
262 educators in accordance with the framework established by the State  
Board of Education no  
263 later than the 2015-16 school year.]

***H.B. 239***, Juvenile Justice Amendments

Lines 1876-1880 effective July 1, 2018; initiate rulemaking by December 28, 2018

Lines 2088 and 2144-6 effective May 9, 2017; initiate rulemaking by November 5, 2017

1876 (3) (a) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah

1877 Administrative Rulemaking Act, establishing standards for admission to secure detention and

1878 home detention programs.

1879 (b) The **rules made under this Subsection (3)** shall prioritize use of home detention for

1880 a minor who might otherwise be held in secure detention. . . .

2088 (1) The State Commission on Criminal and Juvenile Justice administration **shall: . . .**

2144 (s) **make rules** and administer the juvenile holding room standards and juvenile jail

2145 standards to align with the Juvenile Justice and Delinquency Prevention Act requirements

2146 pursuant to 42 U.S.C. Sec. 5633.

***H.B. 250***, Driving Under the Influence Program Amendments

Effective July 1, 2017

Initiate rulemaking by December 28, 2017

372 (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative  
373 Rulemaking Act,

373 the **department shall make rules** to implement this section.

374 (b) **The rules** under Subsection (7)(a) **shall**:

375 (i) provide for the nature and manner of testing and the procedures and  
376 apparatus to be

376 used for testing;

377 (ii) establish reasonable participation and testing fees for the program,  
378 including the

378 collection of fees to pay the cost of installation, monitoring, and  
379 deactivation of any testing

379 device;

380 (iii) require and provide for the approval of a 24-7 sobriety program data  
381 management

381 technology plan that shall be used by the department and participating law  
382 enforcement

382 agencies to manage testing, data access, fees and fee payments, and any  
383 required reports;

383 (iv) establish a model sanctioning schedule for program noncompliance;  
384 and

384 (v) establish a process for piloting alternate components of the 24-7  
385 sobriety program.

***H.B. 287***, Cosmetology Licensing Act Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

566 (14) Each applicant for licensure as a hair designer shall: . . .

582 (e) **meet the examination requirements established by rule.**

583 (15) Each applicant for licensure as a hair designer instructor shall: . . .

590 (e) provide satisfactory documentation of completion of:

591 (i) an instructor training program conducted by **a licensed or recognized school, as**

592 **defined by rule**, consisting of a minimum of 300 hours or the equivalent number of credit

593 hours;

594 (ii) on-the-job instructor training conducted by a licensed instructor at **a licensed or**

595 **recognized school, as defined by rule**, consisting of a minimum of 300 hours or the equivalent

596 number of credit hours; or

597 (iii) a minimum of 2,500 hours of experience as a hair designer or as a

598 cosmetologist/barber; and

599 (f) **meet the examination requirement established by rule.**

600 (16) Each applicant for licensure as a hair design school shall: . . .

603 (c) provide satisfactory documentation: . . .

606 (iii) that the **applicant's physical facilities comply with the requirements established by**

607 **rule; and**

608 (iv) that the applicant meets:  
609 (A) the standards for a hair design school, including **staff and accreditation**  
610 **requirements, established by rule; and**

***H.B. 308***, Public Health and Schools

Effective July 1, 2018

Initiate rulemaking by December 28, 2018

356 53A-11-303. Regulations of department.

357 (1) In accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, the

358 **department shall make rules** regarding:

359 (a) which vaccines are required as a condition of attending school;

360 (b) the manner and frequency of the vaccinations; and

361 (c) the vaccination exemption form described in Section 53A-11-302.5.

362 (2) The **department shall ensure that the rules** described in Subsection (1):

363 (a) conform to recognized standard medical practices; and

364 (b) require schools to report to the department statistical information and  
names of

365 students who are not in compliance with Section 53A-11-301.



***H.B. 336***, Health Reform Amendments

Lines 1563-1565, 1858 and 1871-1882, and 3441-3445 effective May 9, 2017;  
initiate rulemaking by November 5, 2017

Lines 2238-2239, 2252-2255, and 2695-2708 effective January 1, 2018; initiate  
rulemaking by July 1, 2018

1563 (2) The commissioner may by rule waive other specific provisions of this  
title that the

1564 commissioner considers inapplicable to [health maintenance  
organizations or] limited health

1565 plans, upon a finding that the waiver will not endanger the interests of: . .  
.

1858 [(4) The commissioner **shall:**] . . .

1871 [(b) **adopt an administrative rule** that establishes:]

1872 [(i) definition of terms;]

1873 [(ii) the methodology for determining and comparing the insurer  
transparency

1874 information;]

1875 [(iii) the data, and format of the data, that an insurer shall submit to the  
commissioner

1876 in order to facilitate the consumer comparison on the Health Insurance  
Exchange in accordance

1877 with Section 63N-11-107; and]

1878 [(iv) the dates on which the insurer shall submit the data to the  
commissioner in order

1879 for the commissioner to transmit the data to the Health Insurance  
Exchange in accordance with

1880 Section 63N-11-107; and]

1881 [(c) **implement the rules** adopted under Subsection (4)(b) in a manner  
that protects the

1882 business confidentiality of the insurer.] . . .

2238 [(iii) the department **may make administrative rules** to regulate the offer  
of dental plans

2239 on the Health Insurance Exchange.] . . .

2252 [(7) The department shall post on the Health Insurance Exchange the  
department's

2253 solvency rating for each insurer who posts a health benefit plan on the  
Health Insurance

2254 Exchange. The solvency rating for each insurer shall be **based on**  
**methodology established by**

2255 **the department by administrative rule** and shall be updated each  
calendar year.] . . .

2695 31A-45-103. Managed care contract standards.

2696 The **commissioner shall adopt rules** relating to standards for the manner  
and content of

2697 policy provisions, and disclosures to be made in connection with the sale  
of policies covered by

2698 this chapter, **dealing with at least the following matters:**

- 2699 (1) terms of renewability;
- 2700 (2) initial and subsequent conditions of eligibility;
- 2701 (3) nonduplication of coverage provisions;
- 2702 (4) coverage of dependents;
- 2703 (5) termination of insurance;
- 2704 (6) limitations;
- 2705 (7) exceptions;
- 2706 (8) reductions;
- 2707 (9) definition of terms; and
- 2708 (10) rating practices. . . .

3441 **[(5) The consumer health office:]**

3442 **[(a) may not:]**

3443 [(i) regulate health insurers, health insurance plans, health insurance producers, or

3444 health insurance premiums charged in the exchange;]

3445 **[(ii) adopt administrative rules, except as provided in Section 63N-11-107; or]**

***H.B. 344*** Utah Agricultural Code Amendments

Effective July 1, 2017

Initiate rulemaking by December 28, 2017

2821 The department [has and] **shall** exercise the following functions, powers, and duties, in

2822 addition to those specified in Chapter 1, Short Title and General Provisions: . . .

2838 (5) **make rules**, in accordance with Title 63G, Chapter 3, Utah Administrative

2839 Rulemaking Act, in regard to "Utah's Own," a program dedicated to the promotion of locally

2840 produced products of agriculture.

***H.B. 390***, Suicide Prevention Modifications

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

240 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

241 **division shall make rules:**

242 (a) governing the implementation of the state suicide prevention program, consistent

243 with this section[.]; and

244 (b) in conjunction with the bureau, defining the criteria for employers to apply for

245 grants under the Suicide Prevention Education Program in Section 53-10-  
202.3, which shall

246 include:

247 (i) attendance at a suicide prevention education course; and

248 (ii) display of posters and distribution of the firearm safety brochures or  
packets

249 created in Subsection 53-10-202(18)(a)(iii), but does not require the  
distribution of a

250 cable-style gun lock with a firearm if the firearm already has a trigger lock  
or comparable

251 safety mechanism.

### ***H.B. 393***, Vehicle Towing Amendments

Effective July 1, 2017

Initiate rulemaking by December 28, 2017

90 (c) (i) The **department shall** issue an authorized towing certificate for each  
tow truck

91 motor carrier, tow truck, and [driver] tow truck operator that **complies**  
**with this part and rules**

92 **made by the department** in accordance with Subsection (6). . .

139 (6) In accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, the

140 **department shall make rules** governing the inspection, investigation, and  
certification

141 procedures described in this section.

***H.B. 396***, Medical School Graduates Associate Physician Licensure

Effective July 1, 2018

Initiate rulemaking by December 28, 2018

308 58-67-807. Collaborative practice arrangement.

309 (1) (a) **The division**, in consultation with the board, **shall make rules in**  
accordance

310 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding  
the approval of a

311 collaborative practice arrangement. . . .

396 (4) **The division shall makes rules**, in consultation with the board, the  
deans of medical

397 schools in the state, and primary care residency program directors in the  
state, and in

398 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
establishing

399 educational methods and programs that:

400 (a) an associate physician shall complete throughout the duration of the  
collaborative

401 practice arrangement;

402 (b) shall facilitate the advancement of the associate physician's medical  
knowledge and

403 capabilities; and

404 (c) may lead to credit toward a future residency program. . . .

669 58-68-807. Collaborative practice arrangement.

670 (1) (a) The **division**, in consultation with the board, **shall make rules** in  
accordance

671 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding  
the approval of a

672 collaborative practice arrangement. . . .

757 (4) The **division shall makes rules**, in consultation with the board, the  
deans of medical

758 schools in the state, and primary care residency program directors in the  
state, and in

759 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
establishing

760 educational methods and programs that:

761 (a) an associate physician shall complete throughout the duration of the  
collaborative

762 practice arrangement;

763 (b) shall facilitate the advancement of the associate physician's medical  
knowledge and

764 capabilities; and

765 (c) may lead to credit toward a future residency program.

***H.B. 431***, Government Employees Reimbursement Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

220 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

221 **Division of Finance shall make rules** regarding an appeal process for an appeal made under

222 Subsection (4)(a), including the designation of an appeal authority.

***H.B. 442***, Alcohol Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

1941 (d) The **commission shall establish by rule**, made in accordance with Title 63G,

1942 Chapter 3, Utah Administrative Rulemaking Act, a procedure by which a licensee surrenders a

1943 retail license under this Subsection (3). . .

2075 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and

2076 the provisions of this section, the **department shall make rules** to develop and implement the

2077 training programs described in this section, including rules that establish:

2078 (a) the requirements for each training program described in this section;



2079 (b) measures that accurately identify each individual who takes and completes a  
2080 training program;  
2081 (c) measures that ensure an individual taking a training program is  
focused and actively  
2082 engaged in the training material throughout the training program;  
2083 (d) a record that certifies that an individual has completed a training  
program; and  
2084 (e) a fee for participation in a training program to cover the department's  
cost of  
2085 providing the training program. . . .

2468 (17) (a) In addition to the requirements described in Section 32B-5-302, a  
full-service  
2469 restaurant licensee shall maintain each of the following records for at  
least three years:  
2470 (i) a record required by Section 32B-5-302; and  
2471 (ii) a record that the commission requires a full-service restaurant  
licensee to use or  
2472 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah  
Administrative  
2473 Rulemaking Act. . .

2514 (ii) the date on which the full-service restaurant licensee **remodels, as**  
**defined by**  
2515 **commission rule** made in accordance with Title 63G, Chapter 3, Utah  
Administrative

2516 Rulemaking Act, the full-service restaurant licensee's grandfathered bar structure or dining

2517 area; or . . .

2854 (ii) a record that the commission requires a limited-service restaurant licensee to use or

2855 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative

2856 Rulemaking Act. . . .

2897 (ii) the date on which the limited-service restaurant licensee **remodels, as defined by**

2898 **commission rule** made in accordance with Title 63G, Chapter 3, Utah Administrative

2899 Rulemaking Act, the limited-service restaurant licensee's grandfathered bar structure or dining

2900 area; or . . .

3104 (ii) the date on which the converted full-service restaurant licensee **remodels, as**

3105 **defined by commission rule** made in accordance with Title 63G, Chapter 3, Utah

3106 Administrative Rulemaking Act, the converted full-service restaurant licensee's bar structure or

3107 dining area; or . . .

3813 (ii) a record that the commission requires a beer-only restaurant licensee to use or

3814 maintain under a rule made in accordance with Title 63G, Chapter 3, Utah Administrative

3815 Rulemaking Act. . . .

3860 (ii) the date on which the beer-only restaurant licensee **remodels, as defined by**

3861 **commission rule** made in accordance with Title 63G, Chapter 3, Utah Administrative

3862 Rulemaking Act, the beer-only restaurant licensee's grandfathered bar structure or dining area; . . .

3923 **[(d) The **commission shall define by rule** what constitutes an "area that is visibly**

3924 **separate and distinct from the area where a nonalcoholic beverage is displayed." ] . . .**

4029 (b) (i) **In accordance with** Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

4030 the **commission shall establish a deadline** for each off-premise beer retailer described in

4031 Subsection (3)(a) to submit to the department an application for an off-premise beer retailer

4032 state license. . . .

4459 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

4460 **board shall make rules that:**

4461 (a) beginning with the 2018-19 school year, require an LEA to offer the Underage

4462 Drinking Prevention Program each school year to each student in grade 8 and grade 10; and

4463 (b) establish criteria for the board to use in selecting a provider described in Subsection

4464 (6). . . .

4504 (2) (a) This section applies to **[an individual who, as defined by the division by rule]:**

4505 [(i) manages operations at the premises of a licensee engaged in the retail sale of an

4506 alcoholic product for consumption on the premises of the licensee;]

4507 [(ii) supervises the serving of an alcoholic product to a customer for consumption on

4508 the premises of a licensee;]

4509 [(iii) serves an alcoholic product to a customer for consumption on the premises of a

4510 licensee;]

4511 (i) a retail manager as defined in Section 32B-5-402;

4512 (ii) retail staff as defined in Section 32B-5-402; and

4513 (iii) an individual who, as defined by division rule: . . .

**S.B. 9, Revenue Bond and Capital Facilities Amendments**

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

127 [(e)] (2) **The board shall**, in accordance with Title 63G, Chapter 3, Utah  
Administrative

128 Rulemaking Act, **make rules**:

129 [(i)] (a) that are necessary to discharge its duties and the duties of the  
Division of

130 Facilities Construction and Management;

131 [(ii) to] (b) that establish standards and requirements for life cycle cost-  
effectiveness

132 of state facility projects;

133 [(iii) to] (c) that govern the disposition of real property by the division and  
establish

134 factors, including appraised value and historical significance, in evaluating  
the disposition;

135 [(iv) to] (d) that establish standards and requirements for a capital  
development project

136 request and feasibility study described in Subsection 63A-5-104(2)(b),  
including [a

137 requirement for a feasibility study; and]:

138 [(v) for operations and maintenance expenditures for state-owned  
facilities that require,

139 and establish standards for:]

140 [(A) reporting;]

141 [(B) utility metering;]

142 [(C) creating operations and maintenance programs within all agency  
institutional line

143 items;]

144 [(D) reviewing and adjusting for inflationary costs of goods and services on  
an annual

145 basis; and]

146 (i) a deadline by which a state agency is required to submit a capital  
development

147 project request; and

148 (ii) conditions and requirements by which a state agency may modify the  
state agency's

149 capital development project request after the agency submits the request;

150 (e) for the monitoring of a state agency's operations and maintenance  
expenditures for a

151 state-owned facility, that:

152 (i) establish standards and requirements for utility metering;

153 (ii) create an operations and maintenance program for a state agency's  
facilities;

154 (iii) establish a methodology for determining reasonably anticipated  
inflationary costs

155 for each operation and maintenance program described in Subsection  
(2)(e)(ii); and

156 (iv) require an agency to report the amount the agency receives and  
expends on

157 operations and maintenance; and

158 [(E)] (f) determining the actual cost for operations and management  
requests for a new

159 facility[;].

**S.B. 34**, Competency-based Education Funding

Effective July 1, 2017

Initiate rulemaking by December 28, 2017

80 (6) The **board shall** in accordance with Title 63G, Chapter 3, Utah  
Administrative

81 Rulemaking Act, **adopt rules** to administer the provisions of this section.

**S.B. 61**, Students with Disabilities Accommodations Funding

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

41 (2) (a) The **board shall make rules**, in accordance with Title 63G, Chapter 3,  
Utah

42 Administrative Rulemaking Act, that establish a reimbursement program  
that:

43 (i) distributes any money appropriated to the board for Special Education --  
Section

44 504 Accommodations;

45 (ii) allows an LEA to apply for reimbursement of the costs of services that:

46 (A) an LEA renders to a student with a Section 504 accommodation plan;  
and

47 (B) exceed 150% of the average cost of a general education student; and

48 (iii) provides for a pro-rated reimbursement based on the amount of  
reimbursement  
49 applications received during a given fiscal year and the amount of money  
appropriated to the  
50 board that fiscal year.  
51 (b) Beginning with the 2018-19 school year, the **board shall** allocate money  
52 appropriated to the board for Special Education -- Section 504  
Accommodations in accordance  
53 with the rules described in Subsection (2)(a).

**S.B. 74, Medical Interpreter Amendments**

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

86 (D) a person **approved by the division by rule**, made in accordance with Title  
63G,  
87 Chapter 3, Utah Administrative Rulemaking Act; and

**S.B. 79, Waste Management Amendments**

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

159 (11) In accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act,

160 the board shall make rules that:



161 (a) establish financial assurance requirements for closure and postclosure  
care of  
162 radioactive waste land disposal facilities[.]; and  
163 (b) establish financial assurance requirements for closure and postclosure  
care of an  
164 unlicensed facility.

165 (12) The rules described in Subsection (11) shall include the following  
provisions:

166 (a) the financial assurance shall be based on an annual [calculation]  
estimate and shall  
167 include [the costs of] closure and postclosure [care of radioactive waste  
land disposal facilities]  
168 costs in all areas subject to the licensed or permitted portions of the  
facility;  
169 (b) financial assurance [for closing the areas within the disposal  
embankments shall be  
170 limited to the cost of closing areas where waste has been disposed; and]  
for an unlicensed  
171 facility that supports the operation of a licensed or permitted facility shall  
include the estimated  
172 cost of:

173 [(c) at the option of the licensee or permittee, the financial assurance  
requirements shall  
174 be based on:]

175 (i) the removal of structures;  
176 (ii) the testing of structures, roads, and property to ensure no radiological  
177 contamination has occurred outside of the licensed area; and

178 (iii) stabilization and water infiltration control;

179 (c) financial assurance cost estimates for a single approved waste disposal  
unit for

180 which the volume of waste already placed and proposed to be placed in the  
unit within the

181 surety period is less than the full waste capacity of the unit shall reflect the  
closure and

182 postclosure costs for a waste disposal unit smaller than the approved waste  
disposal unit, if the

183 unit could be reduced in size, meet closure requirements, and reduce  
closure costs;

184 (d) financial assurance cost estimates for two approved adjacent waste  
disposal units

185 that have been approved to be combined into a single unit and for which  
the combined volume

186 of waste already placed and proposed to be placed in the units within the  
surety period is less

187 than the combined waste capacity for the two separate units shall reflect  
either two separate

188 waste disposal units or a single combined unit, whichever has the lowest  
closure and

189 postclosure costs;

190 (e) the licensee or permittee shall annually propose closure and  
postclosure costs upon

191 which financial assurance amounts are based, including costs of potential  
remediation at the

192 licensed or permitted facility and, notwithstanding the obligations  
described in Subsection

193 (12)(b), any unlicensed facility;

194 (f) to provide the information in Subsection (12)(e), the licensee or  
permittee shall

195 provide:

196 (i) [an annual calculation] a proposed annual cost estimate using the  
current edition of

197 RS Means Facilities Construction Cost Data or using a process, including an  
indirect cost

198 multiplier, previously agreed to between the licensee or permittee and the  
director; or

199 (ii) (A) for an initial financial assurance determination and for each  
financial assurance

200 determination every five years thereafter, a proposed competitive site-  
specific [bid] estimate for

201 closure and postclosure care of the facility at least once every five years;  
and

202 (B) for each year between a financial assurance determination [as]  
described in

203 Subsection [(12)(c)(ii)(A),] (12)(f)(ii)(A), a proposed financial assurance  
estimate that accounts

204 for current site conditions and that includes an annual inflation adjustment  
to the financial

205 assurance determination using the Gross Domestic Product Implicit Price  
Deflator of the

206 Bureau of Economic Analysis, United States Department of Commerce,  
calculated by dividing

207 the latest annual deflator by the deflator for the previous year[.]; and

208 (g) the director shall:

209 (i) annually review the licensee's or permittee's proposed closure and  
postclosure

210 estimate; and

211 (ii) approve the estimate if the director determines that the estimate  
would be sufficient

212 to provide for closure and postclosure costs.

***S.B. 89***, Adoption Agency Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

629 (ii) ethical violations, **as established by the Office of Licensing's**  
**administrative rules;**

***S.B. 92***, Workers' Compensation Fund Revisions

Effective December 31, 2017

Initiate rulemaking by June 30, 2018

1178 (7) The **board shall make rules** to implement this section.

***S.B. 98***, Excess Damages Claims

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

60     **[(b) Each even-numbered year, the risk manager shall make rules, which**  
become

61     effective no later than July 1, that establish the new limitation of judgment  
amounts calculated

62     under Subsection (4)(a).] . . .

114   (4) (a) Each even-numbered year, the risk manager shall make rules, to  
become

115   effective no later than July 1 of that year, that establish a new individual  
limit, aggregate limit,

116   and property damage limit, as adjusted under Subsection (2).

***S.B. 130***, Universal Service Fund Amendments

Effective July 1, 2017

Initiate rulemaking by December 28, 2017

187   **[(b) The commission shall establish by rule the amount to be charged**  
under this

188   section, provided that:] . . .

196 [(c) The telecommunications corporation **shall** collect the surcharge from  
its customers

197 and transfer the money collected to the commission **under rules adopted**  
**by the commission.] . . .**

222 [(c) (i)] (6) The commission **[shall make rules]** may create disbursement  
criteria and

223 procedures by rule made under Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, for

224 [the administration of money under Subsection (5)(b)(vi)] administering  
funds under

225 Subsection (5). . . .

280 (c) The **commission shall develop, by rule** made in accordance with Title  
63G, Chapter

281 3, Utah Administrative Rulemaking Act, and consistent with this section,  
policies and

282 procedures to govern the administration of the fund.

283 **[(3) The **commission shall:****

284 [(a) institute a proceeding within 30 days of the effective date of this  
section to

285 **establish rules** governing the administration of the fund; and]

286 [(b) issue those rules by October 1, 1997.]

287 [(4) The rules in Subsection (3) shall be consistent with the Federal

288 Telecommunications Act.] . . .

307 [(8) The fund shall be portable among qualifying telecommunications  
corporations.

308 Requirements to qualify for funds under this section shall be defined by  
rules established by the

309 commission.] . . .

350 (ii) **developed by the commission by rule** made in accordance with Title  
63G, Chapter

351 3, Utah Administrative Rulemaking Act. . . .

375 (9) The **commission shall** calculate the amount of each explicit charge  
described in

376 Subsection (8) **using a method developed by the commission by rule** made  
in accordance with

377 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

378 (a) does not discriminate against:

379 (i) any access line or connection provider; or

380 (ii) the technology used by any access line or connection provider;

381 (b) is competitively neutral; and

382 (c) is a function of an access line or connection provider's:

383 (i) annual intrastate revenue;

384 (ii) number of access lines or connections in the state; or

385 (iii) a combination of an access line or connection provider's annual  
intrastate revenue

386 and number of access lines or connections in the state.

***S.B. 132***, Tax Provision Amendments

Effective July 1, 2017

Initiate rulemaking by December 28, 2017

308 [(i) by] (b) an establishment, as the commission defines that term in accordance with

309 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that: . . .

330 [(i) by] (c) an establishment, as the commission defines that term in accordance with

331 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that: . . .

340 [(d) for purposes of this Subsection (14) and in accordance with Title 63G, Chapter 3,

341 Utah Administrative Rulemaking Act, the commission:]

342 [(i) shall by rule define the term "establishment"; and]

343 [(ii) may by rule define what constitutes:]

344 [(A) processing an item sold as tangible personal property;]

345 [(B) the production process, to produce an item sold as tangible personal property; or]

346 [(C) research and development;] . . .

934 (a) is an establishment, as the commission defines that term in accordance with Title

935 63G, Chapter 3, Utah Administrative Rulemaking Act; . . .



947 (a) is an **establishment, as the commission defines that term in accordance with Title**

948 63G, Chapter 3, Utah Administrative **Rulemaking Act**;

***S.B. 145***, Nail Salon Amendments

Effective March 14, 2017

Initiate rulemaking by September 2, 2017

49 "h. 1. A nail salon shall provide each manicure station where a nail technician files or

50 shapes an **acrylic nail, as defined by rule** by the Division of Occupational and Professional

51 Licensing, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

***S.B. 161***, Bullying and Hazing Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

273 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

274 **State Board of Education shall makes rules** that establish standards for high quality training

275 related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

***S.B. 165***, Reimbursements for Public Safety Officers

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

66     (6) (a) The **board shall make rules** in accordance with Title 63G, Chapter 3,  
67     Utah

67     Administrative Rulemaking Act, to:

68     (i) set deadlines for receiving reimbursement applications and supporting  
69     documentation; and

70     (ii) establish the application process and an appeal process for a  
71     reimbursement from

71     the Peace Officer Career Advancement Reimbursement Program, including  
72     procedures to

72     allow for online application submittals.

***S.B. 175***, Uniform Unclaimed Property Act

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

854     (j) contain other information the **administrator prescribes by rules.** . .

1483     (2) An **examination** under Section 67-4a-1002 **shall be performed under**  
1484     **rules** adopted

1484     under Subsection (1).

***S.B. 182***, Public Transportation Safety Oversight Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017)

107 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

108 **department shall make rules** necessary to administer and enforce this section.

***S.B. 190***, Education Computing Partnerships

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

102 (4) The **STEM Action Center, in consultation with the State Board of Education, shall:**

103 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

104 **adopt rules:**

105 (i) for the administration of the grant program and awarding of grants; and

106 (ii) that define outcome-based measures appropriate to the type of grant awarded under

107 this part;

***S.B. 194***, Utah Data Research Center Act

Effective July 1, 2017

Initiate rulemaking by December 28, 2017

190 **(9) The center shall:**

191 **(a) establish, by rule** made in accordance with Title 63G, Chapter 3, Utah

192 **Administrative Rulemaking Act:**

193 **(i) procedures for submitting a data research request under this section;**

194 **(ii) criteria to determine how to prioritize data research requests; and**

195 **(iii) minimum standards for information a person is required to include in a**  
196 **data**

196 **research request; and**

***S.B. 220***, Student Assessment and School Accountability Amendments

Effective November 1, 2017

Initiate rulemaking by April 30, 2018

437 **(2) In accordance with Title 63G, Chapter 3, Utah Administrative**  
438 **Rulemaking Act, the**

438 **board shall make rules** for the administration of statewide assessments.

***S.B. 234***, School Turnaround Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

368 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

369 **board shall make rules** establishing a distribution method and allowable uses of the funds

370 described in Subsection (4)(a). . . .

413 (2) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

414 the board shall make rules establishing:

415 (i) exit criteria for a low performing school;

416 (ii) criteria for granting a school an extension as described in Subsection (3); and

417 (iii) implications for a low performing school that does not meet exit criteria after the

418 school's final remedial year or the last school year of the extension period described in

419 Subsection (3).

420 (b) In establishing exit criteria for a low performing school the board shall:

421 (i) determine for each low performing school the number of points awarded under the

422 school grading system in the final remedial year that represent a substantive and statistically

423 significant improvement over the number of points awarded under the  
424 school grading system in

425 the school year immediately preceding the initial remedial year;

426 (ii) establish a method to estimate the exit criteria after a low performing  
427 school's first

428 remedial year to provide a target for each low performing school; and

429 (iii) use generally accepted statistical practices. . . .

430 [(3) In accordance with Title 63G, Chapter 3, Utah Administrative  
431 Rulemaking Act,

432 the board shall make rules establishing consequences for a low performing  
433 school that:]

434 [(a) (i) does not improve the school's grade by at least one letter grade, as  
435 determined

436 by comparing the school's letter grade for the school year prior to the  
437 initial remedial year to

438 the school's letter grade for the final remedial year; and]

439 [(ii) is not granted an extension under Subsection (2); or]

440 [(b) (i) is granted an extension under Subsection (2); and]

441 [(ii) does not improve the school's grade by at least one letter grade, as  
442 determined by

443 comparing the school's letter grade for the school year prior to the initial  
444 remedial year to the

445 school's letter grade for the last school year of the extension period.]

446 [(4) The board shall ensure that the rules established under Subsection (3)  
447 include a

448 mechanism for:] . . .

524 (b) approve a plan if the plan meets criteria established by the board in  
rules made in

525 accordance with Chapter 63G, Chapter 3, Utah Administrative Rulemaking  
Act; and . . .

573 **[(2) a low performing school according to other outcome-based measures**  
**as may be**

574 **defined in rules made by the board in accordance with Title 63G, Chapter 3,**  
**Utah**

575 **Administrative Rulemaking Act.]**

***S.B. 246*, Pharmacy Practice Act Amendments**

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

170 (2) Notwithstanding the provisions of Subsection 58-17b-102(57)(c)(ii)(B),  
the

171 **division shall make rules**, in accordance with Title 63G, Chapter 3, Utah  
**Administrative**

172 **Rulemaking Act, establishing training for a pharmacist to administer the**  
**following long-acting**

173 **injectables intramuscularly:**

174 **(a) aripiprazole;**

175 **(b) paliperidone;**

176 **(c) risperidone;**

177 **(d) olanzapine;**

178 (e) naltrexone;  
179 (f) naloxone; and  
180 (g) drugs approved and regulated by the United States Food and Drug  
Administration  
181 for the treatment of the Human Immunodeficiency Virus.  
182 (3) A pharmacist may not administer a drug listed under Subsection (2)  
unless the  
183 pharmacist:  
184 (a) completes the training described in Subsection (2);  
185 (b) administers the drug at a clinic or community pharmacy, as those  
terms are defined  
186 by the division, by administrative rule made in accordance with Title 63G,  
Chapter 3, Utah  
187 Administrative Rulemaking Act; and

***S.B. 248***, Physical Therapy Licensure Compact

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

48 (d) after complying with Subsection (2)(c), pass a **licensing examination**  
**approved by**  
49 **division rule** made in collaboration with the board and in accordance with  
Title 63G, Chapter  
50 3, Utah Administrative Rulemaking Act; . . .  
53 (f) submit to, and pass, a criminal background check, **in accordance with**  
**standards**



54 **established by rule** made in accordance with Title 63G, Chapter 3, Utah  
Administrative

55 Rulemaking Act; and

***S.B. 256***, Regents' Scholarship Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

208 (6) In accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, the

209 **board shall make rules** that establish:

210 (a) requirements related to an eligible institution's administration of  
Regents'

211 scholarships;

212 (b) a process for a student to apply to the board to determine the  
student's eligibility for

213 a Regents' scholarship;

214 (c) criteria to determine a student's eligibility for a Regents' scholarship,  
including:

215 (i) minimum secondary education academic performance standards;

216 (ii) the completion of secondary core curriculum and graduation  
requirements;

217 (iii) the completion of a Free Application for Federal Student Aid;

218 (iv) need-based measures that address college affordability and access;  
and

219 (v) minimum enrollment requirements in an eligible institution; and

220 (d) a requirement for each eligible institution to annually report to the board on all

221 Regents' scholarships awarded by the eligible institution.

***S.B. 258***, Addiction Recovery Amendments

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

33 (2) The **department shall**, in consultation with the Physicians Licensing Board created

34 in Section 58-67-201, the Osteopathic Physician and Surgeon's Licensing Board created in

35 Section 58-68-201, and the Department of Occupational and Professional Licensing created in

36 Section 58-1-103, **establish by rule**, made in accordance with Title 63G, Chapter 3, Utah

37 Administrative Rulemaking Act, scientifically based guidelines for controlled substance

38 prescribers to coprescribe an opiate antagonist to a patient.

***S.B. 266***, Division of Child and Family Services Appeals

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

27 (1) **[**Unless the executive director determines that there is good cause for keeping a

28 report of abuse or neglect in the Management Information System, based on  
standards

29 established by rule, the] The division shall delete any reference in the  
Management Information

30 System or Licensing Information System to: . . .

46 (3) On or before May 1, 2018, the **division shall make rules**, in accordance  
with Title

47 63G, Chapter 3, Utah Administrative Rulemaking Act, for the expungement  
of supported

48 reports or unsupported reports in the Management Information System and  
the Licensing

49 Information System. . . .

53 (5) **The rules** described in Subsection (3) **shall**:

54 (a) in relation to an unsupported report or a supported report, identify the  
types of child

55 abuse or neglect reports that:

56 (i) the division shall expunge within five years after the last date on which  
the

57 individual's name was placed in the information system, without requiring  
the subject of the

58 report to request expungement;

59 (ii) the division shall expunge within 10 years after the last date on which  
the

60 individual's name was placed in the information system, without requiring  
the subject of the

61 report to request expungement;  
62 (iii) the division may expunge following an individual's request for  
expungement; and  
63 (iv) the division may not expunge due to the serious nature of the specified  
types of  
64 child abuse or neglect;  
65 (b) establish an administrative process and a standard of review for the  
subject of a  
66 report to make an expungement request; and  
67 (c) define the term "expunge" or "expungement" to clarify the  
administrative process  
68 for removing a record from the information system.

***S.B. 267***, Utah Rural Jobs Act

Effective May 9, 2017

Initiate rulemaking by November 5, 2017

275 (4) In accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act, the

276 **office shall make rules** describing:

277 (a) the documentation requirements for a business entity to receive a tax  
credit

278 certificate under this section; and

279 (b) administration of the program, including relevant timelines and  
deadlines. . . .

325 (c) A growth investment in an eligible small business that is not located in a  
rural

326 county may count toward the requirements of Subsection (1)(d) if the  
office determines that the

327 eligible small business is located in an **economically disadvantaged rural**  
**area as defined by**

328 **rules made by the office** in accordance with Title 63G, Chapter 3, Utah  
Administrative

329 Rulemaking Act.